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**From:** Wu, Jennifer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=885E149E9BDD4094BF34508D7454CDFA-WU, JENNIFER]  
**Sent:** 9/25/2018 5:52:10 PM  
**To:** Stoddard, Jamey [Stoddard.Jamey@epa.gov]; Karen Burgess [Burgess.Karen@Epa.gov]  
**Subject:** FW: Heads up on 316(b) briefings/questions  
**Attachments:** RTC Doc for the Final Section 316(b) Existing Facilities Rule\_Essay 14.pdf

FYI from Paul Shriner at EPA HQ – He wrote the 2014 Rule.

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**From:** Shriner, Paul  
**Sent:** Tuesday, September 25, 2018 6:52 AM  
**To:** Wu, Jennifer <Wu.Jennifer@epa.gov>; Ramach, Sean <Ramach.Sean@epa.gov>  
**Cc:** Witt, Richard <Witt.Richard@epa.gov>; Weber, Courtney <Weber.Courtney@epa.gov>  
**Subject:** RE: Heads up on 316(b) briefings/questions

Hi All:

As an FYI, attached is Essay 14 from the 316(b) existing facilities rule Response to Comment document in the docket for the rule. Sean and Richard are well aware of this record, but I thought it may be helpful for Jenny, Courtney, and others in R10 to have at their fingertips. This is a public document, so feel free to share. I highlighted several occasions where we reiterate that those not subject to the rule are still subject to section 316(b). Also note the various comments asking for exemptions (such as seafood and O&G) and EPA's response that there are no exemptions from 316(b).

Regards,  
Paul

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**From:** Wu, Jennifer  
**Sent:** Friday, September 21, 2018 3:21 PM  
**To:** Ramach, Sean <Ramach.Sean@epa.gov>; Shriner, Paul <Shriner.Paul@epa.gov>  
**Subject:** Heads up on 316(b) briefings/questions

Hi Sean and Paul,

As in my voicemail, I wanted to give you both the heads up that BOR called me yesterday to follow up on our call with them on 9/12. They said they appreciated the presentation and learned a lot, but still "agreed to disagree" on 316(b) applicability to hydroelectric dams. They asked us to delay permit issuance until we resolved this issue.

At this point, we're not inclined to delay permit issuance unless they contact the Administrator, and we are told to delay the permit. I've been told to proceed with developing the permit unless there are other reasons to pause the permit (e.g., they're missing a number of outfalls in their application). Still, Dan Opalski, the Office Director was at a Federal Caucus Executive Board meeting which includes senior managers in the federal family, including BOR and the Corps. He acknowledged concerns on 316(b) and said while we still believe 316(b) applies, he would run it up the chain at EPA HQ. He contacted Andrew Sawyer at OWM, and our attorney is going to prepare briefing materials to run it up OGC next week. So FYI in that you may hear about it. If you'd like to talk more, feel free to call. Otherwise, I'll keep you in the loop to make sure informed esp for anything that might affect you.

Thanks!  
Jenny Wu  
Environmental Engineer, NPDES Permits Unit  
EPA Region 10

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